

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON TAFOYA,

Defendant.

No. CR 13-3526 MCA

JOINT MOTION TO CONTINUE SENTENCING

Defendant, Brandon Tafoya, by his attorney of record, jointly with the Plaintiff the United State by Assistant U.S. Attorney Presiliano Torrez hereby moves the Court for a continuance of the December 30, 2014 sentencing hearing in the above entitled and numbered cause. As grounds for the continuance the parties state the following:

1. On 10/1/14 the Defendant plead guilty to the allegations in the indictment. A sentencing agreement was entered into under Federal Rules of Criminal Procedure 11(c)(1)(C).
2. Under the agreement the Defendant is to be sentenced to a term of imprisonment of no more than three years. Two years were to be served at the Delancy Street Rehabilitation Program and one year in a transitional halfway house or home detention or both, or any program deemed beneficial to the defendant by the United States Probation Office. The Defendant would be allowed to work or pursue an educational program in the last year of

his sentence, again as approved by the United States Probation Office. Following imprisonment, the Defendant shall be placed on supervised release as required by law.

3. Upon reviewing the plea agreement, it occurred to counsel for the Defendant and for the United States that it needs to be revised because the Delancy Street rehabilitation program is not a Bureau of Prisons approved facility.
4. Counsel for the defense and the United States have agreed to request a continuance of the current sentence hearing set on December 30, 2014 and, as grounds, have agreed to withdraw the current plea. When both parties have agreed to an amended plea, a new plea hearing will be requested.
5. The parties have been trying to resolve the problem and now believe they have a solution, but the plea will indeed have to be amended.
6. Counsel for the United States will be unavailable from December 22 through December 26, 2014 and on January 2, 2015 and the Defendant will be unavailable December 18, 2014.
7. The Defendant is not in custody.
8. The Parties affirmatively state that the ends of justice will be served by granting this continuance. Further, the undersigned represents that the necessity for a lawful plea agreement outweighs the interest of the public and the defendant in speedy sentencing.
9. The Government has been contacted, Presiliano Torrez Esq., and joins in the relief requested herein.

WHEREFORE, the Parties respectfully request that the Court continue the December 30, 2014 sentencing hearing.

Respectfully submitted,

DAMON P. MARTINEZ
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/S/ Electronically signed
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Attorney for Defendant

I hereby certify that on the 19th day of December, 2014,
I caused a copy of the foregoing to be transmitted to
all opposing counsel via email. This motion was also
filed through CM/ECF as indicated in the header, which
I understand provided service to the parties.

/S/ Electronically signed
Ben A. Ortega